IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE N.V. RAMANA

WRIT PETITION No. 24789 of 2004

Between:

1 T.H. Chakrapani S/o T.H. Krishna Murthy
R/o M. Yerraballi, H/o Thagedukunta Village, O.D. Cheruvu Mandal, Anantapur District
2 T.H. Santath Kumar S/o Krishna Murthy
R/o M. Yerraballi, H/o Thagedukunta Village, O.D. Cheruvu Mandal, Anantapur District

..... PETITIONERS

AND

1 The District Collector, Anantapur
2 The Revenue Divisional Officer, Penukonda, Anantapur District
3 The Mandal Revenue Officer, O.D. Cheruvu Anantapur District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order, Writ or direction more particularly in the nature of Writ of Mandamus Under Article 226 of the Constitution of India declaring the proceedings of the 3rd respondent in RC. 225/2004/B dt 02-10-2004 directing the M.D. RESCO., Kadri (West) Not to release electricity supply to the bore well of the petitioners as illegal, arbitrary without jurisdiction and against the principles of natural justice and the provisions of A.P. Water and land Trees Act, 2002 and rules made thereunder and consequently set a side the proceedings.

Counsel for the Petitioner : Mr.P.NARAHARI BABU

Counsel for Respondents : G.P. FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The petitioner claims to be owner of land admeasuring
Ac.3-00 cents in Paimash No.6 of M.Yerraballi, Thagedukunta village, O.D.Cheruvu Mandal, Anantapur district and cultivating the same. It is also stated that the petitioner has dug a bore well in the year 1996 and using the bore water for cultivation and due to depletion of water source in the said bore, the petitioner stated to have dug another bore and approached the Additional Assistant Engineer, Kadri (West) for shifting the electricity connection from old bore to new bore well. The petitioner alleges that on complaints made by certain rival persons, the third respondent has issued proceedings dated 2-10-2004 not to give electricity supply to the new bore well. As against such order, the petitioner approached second respondent and filed representation
12-10-2004 , who in turn stated to have directed the third respondent to take proper action in the matter. Pursuant thereafter, the third respondent obtained a report from the Deputy Executive Engineer dated 20-10-2004, wherein it is stated that there is no drinking water problem to the subject village. The grievance of the petitioner is that in spite of receipt of such a report, the respondents are not taking further action in the matter.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the admission stage.

Having regard to the facts and circumstances of the case, the second respondent is directed pass appropriate action on the representation of the petitioner dated 12-10-2004 and after taking into consideration the report of the Deputy Executive Engineer, RWS Sub Division-II dated 20-10-2004, pass appropriate orders in accordance with law expeditiously, preferably within a period of four weeks time.

Subject to above observation, the writ petition is disposed of. No costs.

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N.V.RAMANA, J

Date: 30.12.2004

TVK/DA

To

1 The District Collector, Anantapur
2 The Revenue Divisional Officer, Penukonda, Anantapur District
3 The Mandal Revenue Officer, O.D. Cheruvu Anantapur District

4 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad.

5 Two CD copies.